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Paper No.

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OFFICE OF PETITIONS

In re Application of :
Ku et al. :
Application No. 10/772,461 : DECISION ON
Filed: February 6, 2004 : PETITION
Atty Docket No. MR3015-70 :

This is in response to the COMMUNICATION filed March 7, 2007, which is properly treated as a Petition to Withdraw Holding of Abandonment.

The above-identified application became abandoned for failure to file a response to the Notice of Non-Compliant Amendment mailed June 27, 2006. The Notice set a one-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). A courtesy Notice of Abandonment was mailed on January 31, 2007.

On petition, the practitioner of record states that the Notice was erroneously mailed to Rosenberg, Klein & Lee in Ellicott City and not the attorney of record, McCormick, Paulding & Huber. He further states that a Substitute Declaration and Power of Attorney and Appointment of Domestic Representative was filed on January 4, 2006.

A review of the record confirms that a Substitute Declaration and Power of Attorney and Appointment of Domestic Representative were filed on January 4, 2006 (with a Request to Correct Inventorship). Nonetheless, the Notice was sent to the old law firm. Neither the request to correct inventorship nor the substitute declaration were acted on by the Office. Under the circumstances, withdrawal of the holding of abandonment is warranted.

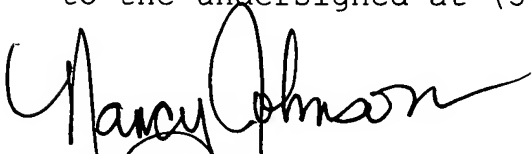
In view thereof, the notice of abandonment mailed January 31, 2007 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3722 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the Notice of Non-compliant Amendment mailed June 27, 2006 and for restarting of the period for reply (and for consideration of the request to correct inventorship filed January 4, 2006 and resubmitted March 7, 2007).

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions